

# **EXHIBIT 8**

## **DECLARATION OF BRYAN DAVIS, Ph.D.**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

ASHTON WHITAKER, a minor, by his  
mother and next friend, MELISSA  
WHITAKER,

Plaintiff,

v.

KENOSHA UNIFIED SCHOOL DISTRICT  
NO. 1 BOARD OF EDUCATION and SUE  
SAVAGLIO-JARVIS, in her official capacity  
as Superintendent of the Kenosha Unified  
School District No. 1,

Defendants.

Civ. Action No. 2:16-cv-00943

**Declaration of Bryan Davis, Ph.D.**

I, Bryan Davis, declare as follows:

1. My name is Bryan Davis, Ph.D. I am Superintendent of Shorewood School District, which serves approximately 2,200 students from kindergarten through 12th grade. The Shorewood School District is located in Milwaukee County, Wisconsin. I have 20 years of experience in the field of education, including six years as a superintendent and four years as a high school principal. I hold a Ph.D. in Urban Education from the University of Wisconsin – Milwaukee.

2. I have been Superintendent of Shorewood School District for approximately one year. Prior to being Superintendent of Shorewood School District, I was the Superintendent of Columbus School District in Columbus, Wisconsin, for five years.

3. In my previous tenure as Superintendent of Columbus School District, I oversaw the adoption and implementation of an inclusive athletic policy for transgender students that

allows students to participate in sports consistent with their gender identity. Though we were not aware of any transgender students in the Columbus district at the time that we adopted the policy, we decided to move forward with the policy because we saw the policy as an important way to make sure transgender students feel safe getting their rightful education and to send a message that our district is welcoming and inclusive to all students. It was important to me not only that our students would feel safe and welcome, but also that visiting students and athletes would feel the same way

4. Because I did not have any previous experience with transgender students or policies prior to the adoption of the policy, we were acting on faith to a certain extent that our policy would yield that best outcome for all students. The implementation has been very positive and the school district has received no complaints from students, staff, or the community about the policy.

5. Going through the process of adopting and implementing the policy also deepened my understanding of the hurdles and barriers that transgender students face at schools. Because we knew that not everyone would have an understanding of transgender students' needs, it was important to have a policy in place for everyone to follow that would guarantee equal treatment for all students. Having a policy in place also ensures that schools are not in a position of having to adopt impromptu policies when a situation arises.

6. Shorewood School District's transgender-inclusive policy, Policy 411 – Equal Educational Opportunities and Guideline 411 – Nondiscrimination Related to Students Who Are Transgender and Students Nonconforming to Gender Role Stereotypes, was adopted by Shorewood's school board on February 25, 2014, prior to my tenure as Superintendent. Shorewood School District's policy prohibits all forms of discrimination, harassment and

bullying against transgender and gender nonconforming students, allows students to designate their names and gender pronouns to be used and respected to school personnel, and allows transgender students to use bathrooms that match their gender identity. Implementation of the transgender-inclusive policy over the past two years has been extremely smooth. We have found that a clear, inclusive policy actually minimizes the chances of disruption by sending a clear message to the entire school community that we respect every student's gender identity and will treat everyone equally. When we model the message that we are accepting and inclusive of all of our students, our students are then more likely to be accepting and inclusive of each other.

7. Since our inclusive policy was implemented two years ago, we have known of three transgender students at our high school. We have had no complaints from transgender students, from other students, from any staff, or from any parents on the policy. We have received no pushback from the community. In fact, we have had alumni come back to the district and thank us for creating such an inclusive environment at their alma mater.

8. While we have not had any students object to the transgender policy, if a student did show discomfort about sharing a restroom with transgender students, we would offer that student the option of using a single-user restroom. In my professional judgment, however, I think it would be inappropriate to single out the transgender students by forcing them into a restroom separate from their peers. That would invite harassment and bullying against transgender students by sending the message that they should be treated differently.

9. I have been contacted by administrators at other school districts in Wisconsin who are trying to figure out their policies with respect to transgender students. I reassure them that a policy that allows transgender students to be treated consistent with their gender identity in all respects is easy to implement and adds to an inclusive and welcoming environment.

10. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 8, 2016

By: Bryan Davis  
Bryan Davis